Douglas H. Flaum douglas.flaum@friedfrank.com Stephanie J. Goldstein stephanie.goldstein@friedfrank.com FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP One New York Plaza New York, New York 10004 212-859-8259 (telephone) 212-859-4000 (facsimile) Attorneys for Defendant Harry Macklowe UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK X LESLIE DICK WORLDWIDE, LTD. and LESLIE DICK, Plaintiffs, -against-GEORGE SOROS, SOROS FUND MANAGEMENT, LLC, SFM MANAGEMENT, LLC, CONSECO, INC., No. 08 CV 7900 (BSJ/THK) VORNADO REALTY TRUST, GERMAN AMERICAN CAPITAL CORPORATION, ECF Case DEUTSCHE BANK AG, EASTDIL SECURED, LLC, HARRY MACKLOWE, **NOTICE OF MOTION** FIG, LLC, CERBERUS CAPITAL MANAGEMENT, LP., LAZARD FRERES & CO. LLC, KIRKLAND & ELLIS, LLP, FRIED FRANK HARRIS SHRIVER & JACOBSON LLP, CARMEL FIFTH, LLC, 767 MANAGER, LLC, DONALD J. TRUMP and JOHN DOES "1" THROUGH "10," Defendants.

Case 1:08-cv-07900-BSJ-THK Document 94 Filed 12/22/08 Page 2 of 2

PLEASE TAKE NOTICE that defendant Harry Macklowe by his undersigned counsel,

and pursuant to Fed. R. Civ. P. 12(b)(6), will move before the Honorable Barbara S. Jones,

U.S.D.J., at the United States District Courthouse, 500 Pearl Street, New York, New York,

10007, Courtroom 610, on a date and at a time to be determined by the Court, for an Order (i)

granting Harry Macklowe's motion to dismiss the Complaint without leave to amend and the

action with prejudice, and (ii) granting Mr. Macklowe such other and further relief as the Court

deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Harry Macklowe

shall rely upon the accompanying Memorandum of Law in Support of Harry Macklowe's

Motion to Dismiss the Action with Prejudice, the Declaration of Stephanie J. Goldstein in

support of Harry Macklowe's Motion to Dismiss the Action with Prejudice, and the Brief in

Support of the Soros Defendant's Motion to Dismiss ("Soros Brief").

Dated: New York, New York

December 22, 2008

FRIED FRANK HARRIS SHRIVER & JACOBSON LLP

By: /s/ Douglas H. Flaum

Douglas H. Flaum

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2

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